

**MINUTES
of the
FIFTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

November 1-3, 2006

The fifth meeting of the Legislative Health and Human Services Committee (LHHS) for the 2006 interim was called to order by Representative Danice Picraux, chair, on Monday, November 1, 2006, at 9:40 a.m. at the Sandoval County Historical Society in Bernalillo, New Mexico.

Present

Rep. Danice Picraux, Chair
Sen. Dede Feldman, Vice Chair
Rep. Keith J. Gardner (11/1, 2)
Sen. Steve Komadina
Rep. Jim R. Trujillo

Absent

Sen. Rod Adair
Rep. William "Ed" Boykin
Sen. Mary Kay Papen

Advisory Members

Sen. Sue Wilson Beffort (11/3)
Rep. Ray Begaye
Rep. Gail Chasey (11/3)
Rep. Miguel P. Garcia (11/1, 3)
Rep. Irvin Harrison (11/3)
Rep. John A. Heaton
Sen. Linda M. Lopez
Rep. Antonio Lujan
Rep. James Roger Madalena (11/1, 2)
Rep. Rick Miera (11/1, 3)
Sen. Gerald Ortiz y Pino
Sen. Nancy Rodriguez (11/1)
Rep. Edward C. Sandoval
Sen. Leonard Tsosie (11/1, 2)
Rep. Luciano "Lucky" Varela
Rep. Gloria C. Vaughn (11/1, 2)

Sen. Clinton D. Harden, Jr.
Sen. Timothy Z. Jennings
Sen. Gay G. Kernan
Rep. Terry T. Marquardt

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Jennie Lusk
Tim Crawford
Ramona Schmidt

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Wednesday, November 1

Behavioral Health and Substance Abuse

Secretary Pam Hyde, Human Services Department (HSD), stated that the objectives of the presentation before the committee include the substance abuse initiatives 2007 and 2008; northern New Mexico issues; behavioral health and the 15 local collaboratives' 2008 legislative priorities; and the status of the ValueOptions contract and outcomes.

Secretary Michelle Lujan Grisham, Department of Health (DOH), spoke to the committee about the substance abuse initiatives for FY 2007 and stated the goal is to offer a continuum of services from prevention to recovery to stop the growing methamphetamine problem in New Mexico. She reviewed the following topics:

- direct services of \$3,250,000;
- provider training of \$151,000;
- start-up services of \$850,250;
- the use of capital funds for San Juan, Bernalillo, Eddy and Grant counties;
- substance abuse initiatives for FY 2007 initiatives;
- the total community approach: what it is, how it works;
- the process with the state collaborative, with ValueOptions help;
- the methamphetamine and substance abuse prevention campaign; and
- other substance abuse prevention efforts.

She then reviewed the northern New Mexico issues, which include:

- Hoy Recovery Program, Inc.;
- Ayudantes;
- Taos/Colfax Community Mental Health Center;
- Rio Grande Recovery Center;
- Santa Fe Recovery Center;
- the context for problems that include state funding that is flat or reduced over several years, quality and capacity issues due to a lack of resources, increasing operating costs and increasing needs in the communities they serve;
- considerations;
- what ValueOptions is doing about the challenges faced; and
- what the collaborative is doing.

Discussion occurred as to the difficulties experienced in other parts of the state with substance abuse. Secretary Hyde reminded the committee that funding is made up of federal and state dollars, and providers may have received one- or two-year grants and when they end, the result can be inconsistent growth in service providers.

Secretary Hyde reviewed the behavioral health and local collaboratives legislative priorities for FY 2008. She stated the legislative proposals include: statewide priorities incorporating 15 local collaboratives; state BHPC and stakeholders' priorities; a legislative review team headed by Secretary of Aging and Long-Term Services Debbie Armstrong; and help to the executive and legislature to target budget priorities. She stated there is a proposal to transfer some Behavioral Health Services Division responsibilities from the DOH to HSD. The highlights of FY 2008 budget requests were shared with committee members. Questions from the committee included who is eligible under what programs for substance abuse treatment.

Secretary Hyde reviewed the behavioral health legislative budget priorities for FY 2008 and clarified that items listed in bold in the handout are either included in budget priorities or in the governor's legislative priorities. She then reviewed reports included in the documents, including the behavioral health consumers served and expenditures report, the ValueOptions/behavioral health direct and indirect costs report, the behavioral health services delivered report and the behavioral health unduplicated count report. In response to a question, Secretary Hyde stated there will be proposed language changes to Kendra's Law, which was introduced during the 2005 legislative session.

Discussion occurred as to the value during committee meetings to have representation from all departments on some of the issues facing the committee.

At-Home Infant Care

Susan Loubet, At-Home Infant Care, addressed the committee on the pilot program in Las Cruces. She described the reasons for the program, which include lack of quality infant care, especially in rural areas; the lack of child care for ill infants; the need for child care for families with special needs; and the need for parental training, especially for first-time parents. She stated that she would like to establish two pilot programs to see how the programs work in different areas of the state.

Home Visits and the First Born Program

Secretary-Designee Dorian Dodson, Children, Youth and Families Department (CYFD), stated that CYFD did receive money to do home visiting, and then reviewed the CYFD home visiting initiative program issues, including:

- the program background;
- staff qualifications;
- funding background;
- what does the home visiting requests for proposals (RFP) request;
- whom does the home visiting RFP target;
- the required core program components, including identification of community priorities, home visiting that is offered at no cost and is universally accessible, staff training, program collaboration, supervision, community outreach and education and general performance outcomes performance measures;
- general outcome themes; and
- additional outcome themes.

Susan Herrera, executive director, Los Alamos National Laboratory (LANL) Foundation, reviewed the LANL Foundation's First Born program, which has been named one of the nation's 10 most innovative and exemplary prevention programs by the Center for Substance Abuse Prevention and other collaborative national agencies. The goals of the program include:

- to improve the health and wellness status of all first-time families by building family strength and resiliency through relationships, support, education and referrals;
- to increase positive birth outcomes and early infant development through prenatal, postpartum and weekly home visits up to three years of age; and
- to evaluate the efficacy of the First Born model for potential statewide, and possibly national, application.

The model for the program began in Silver City and will be piloted throughout the state. A film was viewed describing the First Born program.

Committee discussion included why the program is under ValueOptions and possible duplication of services with the Primatara program.

Blue Ribbon Commission on the Welfare of Children of Arrested and Incarcerated Parents

Secretary-Designee Dodson presented the report of the Governor's Blue Ribbon Commission on the Children of Jailed and Incarcerated Parents: Leaving No Child Unattended. Angie Vachio, executive co-chair of the commission, stated the commission was charged with investigating arrest protocols, visitation practices within detention facilities and existing resources for children and caregivers in New Mexico. The recommendations of the commission include:

- enacting legislation to provide a statewide standard for law enforcement that children will be identified upon parental arrest;
- addressing the safety and welfare of children of incarcerated parents by establishing community-based child resource advocates to work within the local detention facilities; and
- requesting an appropriation to establish contact visitation between jailed and incarcerated parents and their children at four demonstration sites.

Tour of the Sandoval County Community Health Program (Health Commons)

Committee members were taken on a tour of the Sandoval County Community Health Commons area.

The minutes of the September 25-27, 2006 meeting in Santa Fe, New Mexico, were approved by unanimous vote.

Trauma System Fund Authority (TSFA) Act

Dale Kester, M.D., chair, State Trauma Authority, and Tres Schnell, Department of Health presented the annual report for the New Mexico trauma system. Dr. Kester reviewed the different designations of the trauma levels. The financial losses that occur in the trauma system

were reviewed. He noted that to date, the TSFA has been making great progress. Dr. Kester reviewed the following:

- TSFA membership;
- monthly progress to date;
- anticipated milestones;
- the trauma system strategic action plan for direction and accountability;
- trauma system strategic priorities; and
- the FY08 Trauma System Fund request of \$7.7 million, which includes a base budget for TSFA of \$4.7 million and for the Governor's Invest New Mexico of \$3 million.

Jeff Dye, president and CEO, New Mexico Hospitals and Health Systems Association, stated it is a huge financial issue to become trauma-designated. Discussion occurred as to the requirements of each trauma level designation, the need to use trauma centers in El Paso and Lubbock, Texas, the need for funding to make centers sustainable, the reminder that this does make a difference in saving lives, rewards for hospitals willing to commit themselves to long-term capital outlay expense and the need for a state plan to address trauma care needs.

Children's Telehealth Services

Deborah Hall, M.D., Department of Pediatrics, University of New Mexico (UNM) Health Sciences Center (UNMHSC), and Jane McGrath, M.D., presented on the UNM children's telehealth service, which is part of the UNMHSC Department of Pediatrics. Dr. Hall reviewed telehealth sites using existing networks. Dr. Hall spoke of the CDD REACH training, the technical assistance and clinical services. Dr. McGrath addressed the obesity issue facing New Mexico adults and children, the cost of obesity and the child overweight medical management telehealth consultation program. Dr. Hall shared the cost savings involved.

Homelessness Structure in State Government

Hank Hughes, Lisa LaBrecque, Lionel Holguin and Jeff Doyle gave a presentation on the gaps in funding to end homelessness. Mr. Hughes, executive director, Coalition to End Homelessness, reviewed the current funding sources and agencies and the recommendations regarding state and federal funds for homeless programs, which include:

- increasing funding for homeless programs by \$500,000;
- allocating most of this new funding toward transitional and permanent supportive housing projects;
- reviewing the Mortgage Finance Authority (MFA) funding formula so that the amount of funding for grantees does not fluctuate drastically from year to year;
- allowing the Housing Advisory Committee to play a more active role in reviewing the MFA Selection Committee's recommendations; and
- creating an interagency task force on homelessness that includes representatives from various agencies to ensure statewide coordination.

Mr. Holguin, community coordinator, MFA, reviewed the program years, funding sources and budget for homeless programs through the MFA. Concerns raised by the committee included how many veterans are homeless and clarification as to the need for additional funding.

UNM - New Mexico State University (NMSU) Community Health Care Alliance

Art Kaufman, M.D., and Paul Gutierrez, M.D., addressed the committee on the UNM-NMSU Community Health Care Alliance. Dr. Gutierrez presented an executive summary that includes a request for a FY08 general fund appropriation of \$200,000. He shared information on the purpose, value, rural empowerment, university alliance and community advisory board involved. Dr. Kaufman spoke about the need for partnership and the need for human contact.

LIHEAP and Moratorium on Disconnects

John Hedgington and Art Hull, PNM representatives, spoke to the committee on the moratorium on disconnects passed during the last special session. Mr. Hull reviewed the challenge being faced with the increase in natural gas prices, which continue to rise. He stated that currently, all PNM will be able to rely on is federal funding for the low-income home energy assistance program (LIHEAP), as there was no additional funding through the state during the last regular session. Mr. Hull presented proposed legislation and stated it would prevent unintended debt accumulation. The proposed legislation would include a minimum payment during the four-month heating season by customers who would then pay the remainder of the heating season charges during the eight-month nonheating season.

Discussion occurred as to whether a business should be responsible for subsidizing individuals, the requirements for when service is shut off, the numbers of people who were on LIHEAP who ultimately had their service shut off and the number of those with their service turned back on.

LIHEAP Program Priorities

Cathy Sisneros, bureau chief, Work and Family Support Bureau, HSD, and Katie Falls, deputy secretary, HSD, reviewed LIHEAP funding, which includes a direct HHS federal base grant, federal emergency contingency funds, federal leverage funds and state funds. The following was reviewed:

- federal funding requirements;
- historical HSD LIHEAP funding;
- historical LIHEAP weatherization funding;
- 2007 household eligibility;
- benefit level and delivery;
- point calculation;
- historical households served and average benefits;
- 2006 \$23 million state fund outcomes;
- LIHEAP challenges; and
- 2007 unsuccessful funding efforts.

It was noted that without more information on the number of households that had service shut off outside of the moratorium, it was difficult to compare.

A subcommittee was formed to discuss further LIHEAP funding and the moratorium on disconnects. The subcommittee consisted of Senator Tsosie, Representatives Heaton and

Sandoval and representatives of PNM, HSD and advocacy groups. The motion to form the subcommittee passed over the objection of Senator Komadina.

The meeting recessed at 6:00 p.m.

Tuesday, November 2

Representative Picraux reconvened the meeting at 9:10 a.m.

Welcome by Pueblo of Jemez Governor James Roger Madalena

The meeting opened with a prayer from the Pueblo of Jemez lieutenant governor, and the second lieutenant governor and staff from the Pueblo of Jemez introduced themselves. Representative Madalena stated a HUD grant was leveraged with additional state funding for the senior center where the meeting was held. Governor Madalena stated that November 12 is feast day and invited all to attend.

The pueblo's elders were asked to present the history of the Pueblo of Jemez. David Yepa gave his history, and stated the pueblo is strong in its Indian tradition and speaks the Towa language. The legislators introduced themselves to the audience. Robert Shendo, a tribal member, spoke before the committee. He stated the Pueblo of Jemez had the highest casualties among New Mexico pueblos in the Vietnam War, with four comrades who died. He asked that the committee consider erecting a monument to those individuals, as well as to four firefighters who died fighting forest fires in. Senator Tsosie stated that New Mexico is the only state that has an Indian Affairs Department at the cabinet level.

Sarah Machaud gave a presentation on the Pueblo of Jemez Health and Human Services Department (JHHS). She stated that JHHS has been with the Pueblo of Jemez since the late 1960s and the campus includes seven physically separated buildings spread across one square mile. JHHS programs and related issues were reviewed, including the:

- tribal enrollment program;
- dental program;
- social services program, which has two legislative concerns: (1) the lack of housing; and (2) the lack of jail facilities;
- behavioral health program;
- public health program and related legislative concerns regarding the needs of the comprehensive health clinic patient management group, the community wellness program, the Jemez vocational rehabilitation program and the senior citizen's program;
- diabetes program, which focuses on prevention and treatment activities;
- the CHR and health education program; and
- the diversion project for flood control.

Committee members raised questions concerning the limitation of serving food through the senior citizen center, the need for replacement of the floor for the Walatowa Youth Center

gymnasium because the floor is deteriorating and the number of programs going through ValueOptions and the initial complications in their implementation, which has since improved.

Out-of-County Indigent Care and Uncompensated Care

Patricio Larragoite gave a presentation on uncompensated care and indigent care and the importance of understanding the definitional constraints with uncompensated care. Mr. McMullan stated the definition of "uncompensated care" includes charity care and bad debt. He noted it is important to exclude voluntary or involuntary discounts or "reductions in revenue", such as underpayment from Medicaid and Medicare or discounts to private payers. The uncompensated care, County Indigent Hospital Claims Fund and Sole Community Provider Fund interchange was discussed. It was suggested that entities look at statewide funding and distribution to ensure equity throughout providers within the state. A provider from the Pueblo of Jemez suggested developing a list of entities involved in qualifying for indigent funds.

Dr. Robert Katz, vice president of clinical affairs, UNMHSC, presented before the committee on uncompensated care and meeting the health care needs of New Mexicans. The presentation addressed the health sciences center organizational structure; terminology used; uncompensated care costs, trends and impacts; and the school of medicine faculty/physicians retirement, retention and compensation issues.

Underage Drinking

Jill Anne Yeagley, LISW, LADAC, program manager, University of New Mexico Center on Alcoholism, Substance Abuse and Addictions, addressed the committee on prevention and treatment for youth. Ms. Yeagley stated that JoinTogether, a national organization, had put out a blueprint of recommendations on how to systematically and efficiently address the issues. Ms. Yeagley discussed the environment facing teenagers in New Mexico. In terms of closing gaps, Ms. Yeagley stated that in New Mexico, there is no specific law addressing consumption of alcohol by a minor; rather, the laws address an attempt or actual purchase of alcohol or service to a minor. General statistics regarding underage drinking were shared.

Committee discussion occurred as to taxes paid by the alcohol industry, proposed legislation to affect drinking and the programs available for youth who have received citations for being a minor in possession of alcohol.

RIOS Program

Andrew Hsi, M.D., and Shirley Alexander, program manager, UNM Family and Community Medicine, shared information on RIOS Net, or the research involving outpatient settings network. RIOS Net consists of clinicians serving New Mexico's low-income, medically underserved and culturally diverse communities. Ms. Alexander introduced some of the individuals involved in the program. The following topics were reviewed:

- areas of the state covered;
- opportunities for rural clinicians, including research projects, connecting with peers, continuing medical education visits, notification of other CMEs, annual meeting, national meetings and building relationships;

- RIOS Net past and current projects;
- diabetes;
- tobacco use;
- community involvement;
- reporting results back to the communities;
- access to health care;
- the RIOS Net goals, including addressing health disparities in New Mexico, working to retain clinicians in medically underserved areas, researching health care that works in New Mexico and taking UNM resources to communities; and
- how the future includes continuing to interest statewide clinicians and providing engaging opportunities, continuing to examine problems relevant to all New Mexicans and that communities could be involved in all stages of the research process if they are given more resources and can invest in infrastructure to leverage more federal dollars.

It was clarified that this is not a priority by the UNM board of regents, and a legislative funding request was made for the budget total of \$312,000. Committee members stated this is important to rural health care in the state and if this program goes away, it would negatively affect health care coverage. RIOS Net staff were encouraged to use technology that would help them communicate throughout the state.

Teen Pregnancy Coalition and Fatherhood Program

Sylvia Ruiz, executive director, New Mexico Teen Pregnancy Coalition (NMTPC) and Fatherhood Programs, and Dave Breault addressed the committee on youth becoming parents in the state. Ms. Ruiz shared the cost of the effects of teen pregnancy. Mr. Breault spoke about the fatherhood programs, which for some time were a missing piece. He noted that for a long time, the approach had been to keep fathers away from their babies; however, the outcomes of that are changing, with an increase in the rate that fathers are getting diplomas, establishing paternity and increasing the amount of child support they pay and their children receive and the amount of actual contact and time they spend with their children. Mr. Breault noted that many of the men in the project are Hispanic and in gangs, many of whom have addiction or anger management problems. He stated the project is quite small and much is being accomplished with the program. Many individuals in the program are incarcerated and it is being demonstrated that they can be worked with effectively. Ms. Ruiz stated that many are now recognizing what a critical role fathers have on their children's lives. The NMTPC partners in the state were introduced and it was noted that the young fathers' projects are funded through federal funds.

Some of the young fathers present gave their stories and how they had been affected by the project. There are six sites funded through DOH to support teen pregnancy programs, of which NMTPC is one, across the state but there is a need for more. Ms. Ruiz encouraged the legislators to increase the teen pregnancy programs by \$750,000 for a total of \$1 million to fund expansion of the program throughout the state through DOH. It was noted that teen births have been decreasing since 1990.

Update on the Governor's Women's Health Advisory Council (WHAC)

Giovanna Rossi, women's health policy advisor, DOH, introduced Dr. Justina Trott, medical director and chair, Women's Health Services, who addressed the committee on the background of WHAC; the mission of the council, which is to create an environment in which every woman and girl in New Mexico will experience optimal health and well-being; the guiding principles that address disparities; including all women in all their diversity; bidirectional communication from each area of the state; and including each community in government and health care delivery systems. A list of the members of the council was shared with committee members. Dr. Trott took the committee through one example of addressing a female-specific issue, the heart truth. The example spoke to what heart disease is, that there is no quick fix and some of the resources available. Dr. Trott stated another example is knee replacement, with technology being developed for artificial knees specifically for women.

In response to an inquiry asking if having more female physicians is impacting the change in treatment to women as well as the change to specificity in technology addressing women, Dr. Trott said women tend to study what is more of interest to themselves, but change is slow because health care institutions are slower to move than the legislative and judicial systems in the nation. As more marginalized groups enter, they, too, will impact the focus on health care. The number of women in medical school at UNM has been over 50 percent for quite some time.

Tribal Emergency Management Request

Presenters Don Diego Gonzales of DOH and Steven Shaw from the Pueblo of Jemez Department of Public Safety presented legislators with the need to hire and retain emergency managers for tribes in order that tribes can formulate hazard plans and incident management systems and build tribal capacity to respond to health and safety emergencies. The group is requesting \$1,350,000 to fund one person for each tribe that currently does not have a tribal emergency management department. The tribes have agreed to do annual training on communication for emergencies by working with the DOH's emergency management programs. Tribes have also agreed to help develop a free core dependency program, staff training on pandemic flu and emergency operations. The training and staffing will require approximately \$60,000 each year for salary, with office space and support staff funded through other tribal entities. The major problem remaining is whether to route the tribal money through the Indian Affairs Department. The federal government will match 50 percent of state money for tribal emergency services.

Native American Center for Independent Living

Joseph Ray and Juana Valencia appeared before the committee to request funds for the Native American Independent Living Coalition to expand services and establish centers at the Pueblos of San Felipe and Laguna. The coalition works with Native American clients in the area who have acquired a disability and need both practical and emotional help in getting resources. Finding reasonable transportation in rural areas, adapted housing and assistive technology to support living independently is difficult in rural tribal areas. The group will also request funding for leadership development among the leaders of the independent living coalition.

Public Comment

Jo Sanford from the New Mexico Coalition for Reproductive Choice gave public comment on the need for the legislature to inquire as to the nature of the Public Education Department's (PED) funding for teen pregnancy prevention coming entirely from the GRADs program. The GRADs program is funded through a joint powers agreement between the PED and Socorro schools, and its only model for pregnancy prevention is through abstinence-only education that has not been independently evaluated. The program includes little information about sexually transmitted diseases, and teaches that "renewed virginity" is possible and that sex is appropriate only within the context of marriage. Further, the state summary data indicate that the GRADs program serves only 699 students and has a high dropout rate. The GRADs program also funds a "covenant marriage program" through the Trinity Christian Fellowship. The New Mexico Coalition for Reproductive Choice advocates requiring teen pregnancy education funding to be designated through an open RFP process rather than as a sole source process.

The meeting recessed at 6:00 p.m.

Wednesday, November 3

CYFD Proposed Legislation

Representative Picraux thanked staff for their hard work hosting the committee, and they were introduced. Secretary-Designee Dodson spoke about the program for children with incarcerated parents. She reviewed the proposed changes to the Children's Mental Health Code resulting from recommendations made by a broad-based task force. David Schmidt, a member of the task force, gave details of the individuals and process involved in the task force. He noted that the rights of children are not just driven by the code but by federal regulations and statutes, and the task force has taken these into consideration during the revisions. Secretary-Designee Dodson stated that it is unclear as to who has authority over children in some instances and so joint powers agreements have been signed by relevant agencies and will address this through amendments to statute.

Representative Varela asked staff to create a mock-up of the proposed changes to the code and present it at the last meeting of the LHHS. Committee discussion involved the quality of medical services provided to children with the reduction in reimbursement rates and involvement on the task force by the judicial branch.

Addressing Health Concerns in Juvenile Detention

Secretary-Designee Dodson reviewed the safety plan for the Youth Diagnostic and Development Center (YDDC). She addressed concerns that YDDC is understaffed and reliant on overtime shifts, thereby compromising safety and increasing the opportunity for youth-on-youth assaults. CYFD has enhanced staffing and safety supports at YDDC, including:

- a security contract for YDDC;
- 15 new hires coming on board, including temporary personnel;
- trained JPPOS covering shifts;

- functional family therapists augmenting facility behavioral health staff;
- protective services social workers supporting facility staff;
- juvenile correction officer managers and supervisors covering shifts; and
- senior department management working shifts and providing leadership presence and support.

Secretary-Designee Dodson noted these safety enhancements have already resulted in an approximately 50 percent reduction in overtime shifts. The CYFD strategic vision for the juvenile justice services system (JJSS) was reviewed, including the four pillars of the strategic vision; the plan to implement the vision; the Juvenile Justice Special Commission; CYFD juvenile justice facilities services summary; how to empower staff; the JJSS facilities population on November 1, 2006 with facility type, capacity, total and percentage utilized; the YDDC unit cottages and focus populations; a New Mexico Boys' School (NMBS) update on area 1; the NMBS transition update; the NMBS staff relocation as of October 31, 2006; the FY08 budget request summary for juvenile justice; reinvestment of NMBS funds; the FY08 proposed program change for the pilot community based on agency/JJSS partnership; and FY08 proposed program change for the girls' treatment unit and the Youth Civic Justice Corps. Additional information was distributed to the committee, including CYFD juvenile justice facilities programming descriptions; CYFD juvenile justice facilities girls' programs; national articles on the JPTC "fresh eyes" photography program; the Foothill High School award of excellence for positive behavioral support program; and the *Albuquerque Journal* op-ed by Kay Monaco.

Discussion occurred as to moving high-risk children out of YDDC, how to separate populations who need to be separated given the limited resources and the efforts to date by CYFD to separate the various populations.

Diane Wood read a statement from Maureen Sanders regarding the American Civil Liberties Union (ACLU) litigation against CYFD and concerns unique to the needs of young women who are in state custody. Peter Cubra stated there was a lawsuit that had been filed and resulted in implementation of an agreement with CYFD to meet the needs of the children. Mr. Cubra addressed the effect on all of the children who end up in the facilities, including mental health needs. He urged the committee to support and fund early intervention rather than allowing children to fail and then being placed in prison. He stated that the legal rights of the children are not being met due to a lack of resources available and the need for technical assistance for CYFD staff. Mr. Cubra stated that the medical care inside the facilities is inadequate, the current Wexford contract is not working and money will need to be spent in the facilities. He stated the agreement is elaborate and is a bit behind schedule, but resources will need to be found to meet the agreement.

Committee discussion included the need for accurate budgets being brought before the legislature rather than the flat budgets that do not meet the need; the contract with the ACLU; aggressiveness on requesting the appropriate funding for the CYFD budget; and addressing the issues involved in gang violence in ways other than separation.

Independent Living Plans and Foster Care

Mr. Cubra distributed two drafts of legislation to the committee that had been presented at the July LHHS meeting. He requested that the committee endorse the bills and support the funding required to enforce the bill.

Public Comment

Stephanie Browne, executive director, YMCA of Central New Mexico, reviewed the core principles of the YMCA health communities initiative, including school and community programming and a Heights family YMCA youth fitness center. Senator Ortiz y Pino stated that he had encouraged the YMCA to present the bill, as it is a partnership.

Adjournment

Representative Picraux adjourned the meeting at 12:45 p.m.